



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/778,960

02/08/2001

Vesa Lehtovirta

2380-207

5814

23117

7590

01/13/2006

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,960

Applicant(s)

Lehtovirta et al.

Examiner

Rafael Perez-Gutierrez

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 8, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/01 & 11/8/01</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2686

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on February 7, 2005. **Claims 1-45** are still pending in the present application. **This Action is made NON-FINAL.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-45 are rejected under 35 U.S.C. 102(b) as being anticipated by **Jensen (WO 97/22054)**, newly cited.

Consider **claim 1**, Jensen clearly show and disclose in a communication system where connections are established between an external network and subscriber units by way of an access network (abstract and figure 1), a method comprising:

detecting a failure in a node (abstract and figure 3);
determining one or more subscriber unit connections affected by the detected failure (figure 3 and page 2 line 5 - page 4 line 36); and
sending a message identifying the one or more affected subscriber unit connections (page 5 line 6 - page 6 line 39).

Consider **claim 15**, Jensen clearly show and disclose in a communication system where connections are established between an external network and radio subscriber units by way of a

Art Unit: 2686

radio access network (abstract and figure 1), a method comprising:

detecting a failure in a device in a node (abstract and figure 3), and

sending a message identifying the failed device to one or more other nodes, wherein the one or more other nodes release radio subscriber unit connections associated with the identified failed device (page 2 line 5 - page 4 line 36 and page 5 line 6 - page 6 line 39).

Consider **claim 21**, Jensen clearly show and disclose in a radio communication system providing communications between an external network and radio units (abstract and figure 1), a radio access network that interfaces the external network and the radio units (figure 1), comprising:

a radio network control node 1 for communicating with the external network (figure 1);
and

a radio base station node coupled to the radio network controller configured to provide a radio interface with plural radio units (figure 1),

wherein when a failure is detected in one of the nodes (abstract and figure 3), the one node is configured to send a message to another of the nodes identifying one or more radio unit connections affected by the failure (page 2 line 5 - page 4 line 36 and page 5 line 6 - page 6 line 39).

Consider **claim 34**, Jensen clearly show and disclose in an access network providing communication connections between an external network and a subscriber unit (abstract and figure 1), a network node communicating with one or more network nodes (figure 1), comprising:

Art Unit: 2686

a controller configured to perform the following tasks (figures 1 and 3):

detect a failure in the network node (abstract and figure 3);

determine one or more subscriber unit connections affected by the detected failure (figure 3 and page 2 line 5 - page 4 line 36); and

send a message to one or more other network nodes identifying the one or more affected subscriber unit connections (page 5 line 6 - page 6 line 39).

Consider **claim 43**, Jensen clearly show and disclose in a communication system where connections are established between an external network and radio subscriber units by way of a radio access network (abstract and figure 1), apparatus comprising:

means for determining one or more radio subscriber unit connections affected by a failure detected in a radio access network node (abstract, figures 1 and 3 and page 2 line 5 - page 4 line 36), and

means for sending a message identifying the one or more affected radio subscriber unit connections (page 5 line 6 - page 6 line 39).

Consider **claims 2-14, 16-20, 22-33, 35-42, 44, and 45**, and as applied to **claims 1, 15, 21, 34, and 43 above**, Jensen clearly discloses the claimed limitations in page 2 line 5 - page 4 line 36 and page 4 line 5 - page 8 line 25.

Response to Arguments

3. Applicant's arguments with respect to **claims 1, 15, 21, 34, and 43** have been considered

Art Unit: 2686

but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2686

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PRIMARY EXAMINER

October 1, 2005